

**CABINET
20 JULY 2021**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: DEVELOPER CONTRIBUTIONS SPD

REPORT OF THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR PLANNING

COUNCIL PRIORITY: RESPOND TO CHALLENGES TO THE ENVIRONMENT / ENABLE AN ENTERPRISING AND CO-OPERATIVE ECONOMY / SUPPORT THE DELIVERY OF GOOD QUALITY AND AFFORDABLE HOMES

1. EXECUTIVE SUMMARY

- 1.1 This report seeks to extend the July 2020 resolutions of Cabinet in relation to the proposed Developer Contributions Supplementary Planning Document (SPD) pending the outcomes of the Local Plan Examination.

2. RECOMMENDATIONS

- 2.1. That, subject to Recommendations 2.2 and 2.3 below, the Developer Contributions SPD approved by Cabinet in July 2020 continue to be used as a material consideration in the negotiation and determination of relevant schemes;
- 2.2. That, pending the updated Green Space Strategy and revised programme of Supplementary Planning Documents, *Fields in Trust* standards be used to assess open space provision in new development;
- 2.3. That officers, in consultation with the Executive Member for Planning, determine whether any areas of the Developer Contributions SPD require additional work prior to adoption and present any revised draft or final version(s) to Cabinet for their approval.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To allow the continued use of the detailed guidance in the Developer Contributions SPD in the negotiation of relevant schemes.
- 3.2. To ensure the provision of appropriate levels of open space in new development.
- 3.3. To enable officers, in consultation with the Executive Member and Deputy, to consider whether any matters arising since the July 2020 resolutions of Cabinet necessitate substantive additional work before the Developer Contributions SPD is formally adopted.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None – the July 2020 resolutions of Cabinet were time limited and will expire without being renewed or replaced at this meeting. The July 2020 Cabinet report concluded that it would not be appropriate to adopt the Developer Contributions SPD as a subsidiary document to the current saved policies of the District Plan.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Member for Planning and Deputy have been briefed on the relevant matters in this report.

6. FORWARD PLAN

- 6.1 This report relates to a Key Decision that was first notified to the public in the Forward Plan on 24 May 2021.

7. BACKGROUND

- 7.1. In July 2020, Cabinet resolved to adopt the Developer Contributions SPD, subject to the adoption of the Local Plan within 12 months of the date of that meeting. Cabinet additionally resolved that, in the interim, the proposed adoption version of the Developer Contributions SPD be used as a material consideration in the determination of relevant schemes.
- 7.2. The July 2020 Cabinet report is linked as a background paper to this report and should be referred to for additional information.
- 7.3. The July 2020 resolutions were based upon an assumed timetable for the resumption and conclusion of the Local Plan examination. Those assumptions have not been realised for various reasons making it necessary to renew / extend the resolutions to allow time for that process to conclude and for the Council to reach a decision upon adoption of the Plan.

8. RELEVANT CONSIDERATIONS

Extending the use of the previously approved SPD pending adoption of the Plan

- 8.1. For the reasons above, and set out in the July 2020 report, it is advised to renew the Cabinet resolution enabling the Developer Contributions SPD to be applied as a material consideration pending any formal adoption.
- 8.2. The Council is in receipt of a number of planning applications upon sites proposed for allocation in the emerging Local Plan. The Developer Contributions SPD has been written to complement and provided additional advice upon the policies in the new plan. Continuing to have regard to this advice will help in the negotiation and determination of these schemes.

- 8.3. Early engagement is beginning with representatives of a number of the proposed strategic and significant sites within the emerging Plan which are captured by the enhanced masterplanning requirements now set out in Policy SP9 of the new Local Plan. Masterplanning guidelines were approved by Cabinet in March 2020 and the contents of the Developer Contributions SPD will be similarly applied as relevant to these discussions.

Use of Fields in Trust standards for open space

- 8.4. The current version of the SPD includes standards for the provision of open space in new development. These are local standards based upon an assessment of open space provision in the District conducted in 2016.
- 8.5. These standards pre-date more recent developments including (but not necessarily limited to) the increased emphasis on design and biodiversity in the planning system, the Council's declaration of a Climate Change Emergency and the Covid-19 pandemic which has changed the ways and frequency with which many people interact with open spaces in their local area. Practical experience has additionally shown that the combined standards in the Council's current guidance can be too generic to accurately guide proposals.
- 8.6. It is therefore recommended, in conjunction with the Council's Greenspace Manager, that *Fields in Trust* standards are adopted as an interim measure. These would supercede the standards set out in Section 8.4 of the currently approved SPD. *Fields in Trust* is a nationally recognised and widely used standard for open space provision. Around three-quarters of local authorities use this or an equivalent standard. The standards and further guidance are linked as a background document to this report and should be referred to for more information.
- 8.7. The *Fields in Trust* standards are broadly comparable to the Council's standards in a number of areas, they also provide greater differentiation between different forms of open space. A comparison of the two standards is set out below:

Open space standards for new development (hectares per 1,000 population)

Type	Fields in Trust	NHDC current
Playing pitches	1.2	1.6
Other outdoor sports	0.4	(combined)
Equipped / designated play	0.25	0.57*
MUGAs / skateboard etc	0.3	(combined)
Parks and Gardens	0.8	No standard – case by case consideration
Amenity Green Space	0.6	2.0
Natural and semi-natural	1.8	(combined)
Allotments	0.3	0.25

*NHDC standard expressed as number of equipped sites per 1,000 population, not area

- 8.8. The most appropriate long-term standards for the District will be further explored through:
- Ongoing work to review open space provision across the District to provide an up-to-date baseline;
 - The update of the Greenspace Strategy approved in principle under delegated powers in March 2020 following the cancellation of Cabinet due to the Covid-19 situation; and
 - Developing the revised suite of supplementary planning documents to support the Local Plan and associated evidence base as approved by Cabinet in March 2021. This includes proposed SPDs on biodiversity, design and sustainability and updated evidence on green infrastructure provision.
- 8.9. Any recommended standards arising from this work (which could still be based upon *Fields in Trust*) will be formally set out for approval in one or more of these documents in due course and / or any update to the Developer Contributions SPD prior to adoption (see below).

Consideration of other matters

- 8.10. Given the delays in adoption of the SPD, and the time elapsed since consultation on the draft SPD (approved January 2020), officers will consider whether any other elements of the SPD may now require updating prior to adoption. This might include updated advice to reflect more recent Government announcements such as the new *First Homes* tenure reported in June's Strategic Planning Matters report. The Service Director and Executive Member were granted delegated authority to make minor amendments prior to formal adoption under the July 2020 decision. However, if more substantive changes are need, a revised draft of the SPD would be produced for approval and / or further consultation (if required) in due course.
- 8.11. The preparation of the Developer Contributions SPD was one of the actions agreed in the Council's Housing Delivery Test (HDT) Action Plan approved by Cabinet in June 2020. Following the publication of updated HDT results in January 2021, the Council has to update its Action Plan. Government guidance states that this should be completed within six months of HDT results being published (i.e. by July 2021 in this instance).
- 8.12. However, it has been agreed with the Executive Member and Deputy that an update of the Action Plan should be delayed until the outcomes of the Local Plan examination are known. An updated Action Plan prepared at this time would not identify any substantively different actions from those currently approved. Following conclusion of the examination, the Council will be able to update its HDT results in line with the Inspector's recommendations and review its proposed actions in light of these. This, in turn, may also result in some amendments to the currently approved SPD.

9. LEGAL IMPLICATIONS

- 9.1. The statutory basis for Supplementary Planning Documents and their preparation is set out by a range of acts and associated regulations including the Planning and Compulsory Purchase Act 2004 (as amended) and the Localism Act 2011. Detailed requirements for the preparation of SPDs, including requirements for consultation, are stipulated in the Town and Country Planning (Local Planning) (England) Regulations 2012.

10. FINANCIAL IMPLICATIONS

- 10.1. There are no new financial implications arising from this report. The general costs of preparing Supplementary Planning Documents are met through existing revenue budgets.
- 10.2. Continuing to apply the requirements of the SPD will help ensure that developers make fair and justified contributions towards the provision and / or management of infrastructure. Without these contributions, the financial burden of making necessary provision might otherwise fall to the Council and the wider public sector.

11. RISK IMPLICATIONS

- 11.1. There are no new risk implications arising from this report. Sustainable Development of the District and the Local Plan are both Corporate Risks. However, as SPDs clarify policies which are subject to their own separate approval processes, this report is not considered to present a corporate risk in itself.
- 11.2. Nonetheless, the risks associated with not producing and maintaining up-to-date guidance on developer contributions include:
- lack of clarity and uncertainty to case officers and applicants when negotiating and determining planning applications;
 - lack of consistency with the emerging Local Plan as well as national planning policy and guidance; and
 - a risk of not securing the maximum range and / or amount of contributions possible within the parameters of the CIL regulations.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There are not considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to this report. Further information is set out in the July 2020 Cabinet report.

15. HUMAN RESOURCE IMPLICATIONS

15.1. There are no new human resource implications arising from the contents of this report.

16. APPENDICES

16.1. None

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18. BACKGROUND PAPERS

18.1 [Report to Cabinet July 2020: Developer Contributions Supplementary Planning Document](#)

18.2 [Report to Cabinet June 2020: Housing Delivery Test Action Plan](#)

18.3 [Fields in Trust Standards](#)